IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-09-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.29968 of 2007

S.Prathap .. Petitioner.

Versus

The Regional Transport Officer,
Tiruvallur,
Tiruvallur District. .. Respondent.

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to release the Abe Auto Rickshaw bearing Registration No.TN-20-AC-2146 seized by the respondent on 07.09.2007 to the petitioner.

For petitioner : Mr.C.Prakasam

For respondent : Mr.A.Arumugam
Additional Government Pleader

O R D E R

Mr.A.Arumugam, the learned Additional Government Pleader takes notice for the respondent.

2. With the consent of the learned counsels appearing on either side, the writ petition is taken up for final disposal.

3. It is submitted that the petitioner is owner cum driver of the Abe Auto Rickshaw bearing Registration No.TN-20-AC-2146. Even though the petitioner has been using the said Auto Rickshaw only for lawful purposes, the respondent had seized the vehicle, on 07.09.2007, on the allegation that three persons had travelled in the said Vehicle from Othikkadu to Tiruvallur by paying a sum of Rs.5/- each.

4. Mr.A.Arumugam, the learned Additional Government Pleader appearing for the respondent had submitted that the respondent is empowered to seize the vehicle, under Section 207 of The Motor

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

Vehicles Act, 1988 (in Short `the Act') and the rules framed thereunder. It is also pointed out that under Section 207 of the Act, the respondent is empowered to release the seized vehicle, on an application made by the owner of the said vehicle.

5. On such submissions being made, the petitioner is permitted to make an application to the respondent, within 15 days from today. On such application being made, the respondent is directed to release the vehicle, by imposing necessary conditions, within a period of two weeks thereafter.

The writ petition is ordered accordingly. No costs.

csh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Regional Transport Officer,
Tiruvallur,
Tiruvallur District.

+ 1 cc to Mr. C. Prakasam, Advocate SR No. 57447

+ 1 cc to the Government Pleader, SR No.57578

KK(CO)
SR/18.9.2007

Writ Petition No.29968 of 2007

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/